

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Michael Haas
Elections Division Administrator

Diane Lowe
Lead Elections Specialist

DATE: September 7, 2017

SUBJECT: Appointment of Election Inspectors from Lists Submitted by Political Parties

December 31, 2017 marks the end of the current term of election inspectors (poll workers). This means that unless your current inspectors are reappointed by your governing body, they will cease to be election inspectors. At a meeting in December, but not later than December 31, 2017, the municipal governing body shall appoint election inspectors for a two-year term which begins January 1, 2018 and ends December 31, 2019. Wis. Stat. § 7.30(4)(a). At the time your governing body makes inspector appointments for the coming term, **all current inspector positions are considered vacant and available for appointment.**

Submission of Inspector Nominee Lists by Political Parties

No later than November 30, 2017, the two major political parties whose candidates for governor or president at the last general election received the largest number of votes at an *individual polling place* (generally, the Republican and Democratic parties) may submit a certified list of election inspector nominees to the municipal governing body. The party whose candidate received the largest number of votes at each polling place is entitled to one more inspector than the party whose candidate received the next largest number of votes at that polling place. For inspector appointments made this December, the election used to determine the two dominant parties and which party is entitled to the extra poll worker at each polling place is the November 8, 2016 Presidential Election. Wis. Stat. §7.30(2)(a).

Example: Five election inspectors are to be placed at a polling place. Donald Trump received the most votes at the polling place in November 2016. The Republican Party may nominate three people and the Democratic Party may nominate two people. The parties are entitled to 3 and 2 inspectors respectively. Each party may submit the names of nominees equal to at least the number of inspectors to which each party is entitled.

In addition to being a qualified elector of the county in which the municipality in which they serve is located, being able to read and write the English language, and otherwise being capable and of good understanding, each party may establish additional criteria that a prospective nominee must meet in order to be included on the list submitted by the party. This may include a requirement to be a member of the party or to belong to an organization affiliated with the party.

Currently, the Republican and Democratic Parties are actively working to assemble and submit lists of election inspector nominees to as many municipalities as possible. You may receive a public records request from one or both parties asking you to provide the names of your current inspectors and their party affiliations. Your list of current inspectors is an open record and subject to open records law. Any current inspectors who were appointed from a party list must have their party affiliation listed by their name. Current inspectors who were not appointed from party lists must be indicated by the word “unaffiliated” by their name. Providing a list of your current inspectors and their party affiliations, if any, may encourage the parties to nominate experienced inspectors.

No inspector on your list should be listed with a party affiliation unless that inspector was appointed from a party-submitted list. Do not insist that inspectors who were not nominated by a party disclose their political party leanings to you.

Delivery/Transmission of Lists

Wis. Stat. § 7.30(4), provides that the lists are to be submitted to the Mayor, Village President or Town Board Chairperson. (In the City of Milwaukee, the lists are to be submitted to the City of Milwaukee Board of Election Commissioners.) Though not required, the parties have been advised to also provide a copy to the municipal clerk in order to facilitate the process. It is a good practice for the chief elected official to share the list with the Clerk upon receipt. In addition, if the party submits its list to the Clerk’s office, the Clerk should forward it to the chief elected official or notify the party that it is required to do so. Letters have been sent to the Republican and Democratic state parties reminding them of the local parties’ responsibility to submit lists of poll worker nominees. Copies of the letters accompany this correspondence.

The deadline for submission of lists by the Parties is Thursday, November 30, 2017. Lists of inspector nominees may be submitted by personal delivery or electronically (by fax or email) no later than close of business on the deadline. If the list is submitted electronically, the list containing the original signature(s) of the appropriate party affiliate must follow, postmarked no later than the November 30th deadline. Wis. Admin. Code EL § 6.04.

If Lists are Received from One or Both Parties

When lists of election inspector nominees are submitted by one or both Parties, appointments must be made from the lists submitted by the Party for as long as election inspector positions are available. *Current inspectors may not be reappointed unless their name appears on a party list, the party list is insufficient, or no party list is received.*

If party lists have been timely received, positions must be filled from the lists until the names on those lists have been depleted. The lists may also designate individuals as “first-choice” nominees, who must be appointed if they qualify and so long as positions are available. If the governing body has good cause not to appoint an individual whose name is submitted as a “first-choice” nominee, it may request the WEC authorize non-appointment, and may not decline to appoint such individual until receiving the WEC’s authorization. Wis. Stat. §7.30(4)(e).

If Lists are Received but are Insufficient

If a Party’s list is insufficient to fill the positions available for that party’s nominees, the remaining positions are filled without regard to party affiliation (unaffiliated inspectors).

Example: Seven inspectors are to be placed at a polling place. Hillary Clinton received the most votes at the polling place in November 2016. If sufficient lists from both parties were submitted, four names would be appointed from the Democratic list and three names would be appointed from the Republican list. However, in this example there are only *three* names on the Democratic list and no Republican list was submitted. The governing body appoints the three Democratic names and the Mayor, Village President or Town Board Chairperson nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment to the remaining four “unaffiliated” positions. If the Republican Party submitted a list with two names in this example, then only two unaffiliated positions would be appointed.

If No Lists are Received

If no lists are submitted, the Mayor, Village President or Town Board Chairperson nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment. All appointments are made without regard to party affiliation.

While qualified electors of the county may be nominated and appointed, qualified electors of the municipality are to be given preference when the governing body appoints without regard to party affiliation. Wis. Stat. §7.30(4)(c).

Municipalities may require appointed individuals to comply with standard personnel policies and requirements, such as the submission of contact information and documents necessary to process compensation. If you are unsure whether such a requirement adds an impermissible qualification for nominated individuals, you may seek guidance from WEC staff.

Please refer to the Election Official section of the [Election Administration Manual](#) for additional information. If you have questions, please contact the WEC Help Desk at (608) 261-2028, or elections@wi.gov. Thank you.